

OFFICE OF ADMINISTRATIVE HEARINGS

D99A11.01 GENERAL ADMINISTRATION

PROGRAM DESCRIPTION

The Office of Administrative Hearings conducts administrative hearings on behalf of State and other government agencies. As provided by law, persons adversely affected by agency actions or proposed actions are entitled to an administrative hearing. The hearings are conducted by Administrative Law Judges who adjudicate questions of fact and law.

MISSION

To provide due process for any person affected by the action or proposed action of State agencies.

VISION

A State which guarantees every person the right to a fair, timely, and easily accessible administrative adjudicatory process.

KEY GOALS, OBJECTIVES AND PERFORMANCE MEASURES

Goal 1. To complete the administrative hearing process, from appeal to disposition, in an efficient and timely manner.¹

Objective 1.1 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 36 days to 35 days for cases from the Department of Health and Mental Hygiene (DHMH).²

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Efficiency: Average number of days between date appeal received to date of disposition	36.2	36.3	35	35

Objective 1.2 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 66 days to 65 days for cases from the Department of Human Resources (DHR).³

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Efficiency: Average number of days between date appeal received to date of disposition	70.7	66.2	65	65

Objective 1.3 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 216 days to 210 days for cases from the Department of Labor, Licensing and Regulation (DLLR).⁴

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Efficiency: Average number of days between date appeal received to date of disposition	224.5	215.9	212	210

¹ There are certain case types where the Office of Administrative Hearings does not control the scheduling of the hearing; rather, the agency schedules the hearing and forwards the case to the Office of Administrative Hearings along with the hearing date. These include cases from the Inmate Grievance Office, the Retirement and Pension Systems, Occupational Safety and Health cases from the Department of Labor, Licensing and Regulation and Involuntary Admission cases and medical board cases (e.g. Board of Physician Quality Assurance) from the Department of Health and Mental Hygiene. The objectives measure the period of time beginning when the Office of Administrative Hearings receives the case and ending when the decision is issued and the case is closed.

² E.g. Medical Assistance and medical boards such as the Board of Physician's Quality Assurance.

³ E.g. Food Stamps, Temporary Cash Assistance, Child Abuse and Neglect, day care and foster care licensing.

⁴ E.g. Home Improvement Commission, Real Estate Commission, Occupational Safety and Health.

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Objective 1.4 By July 1, 2006, reduce the average number of days from date appeal received to disposition date from 87 to 80 days for cases from the Inmate Grievance Office of the Department of Public Safety and Correctional Services (DPSCS).

	2003 Actual	2004 Actual	2005 Estimated	2006 Estimated
Performance Measure				
Efficiency: Average number of days between date appeal received to date of disposition	85.8	86.9	83	80

Objective 1.5 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 77 days to 65 days for cases from the Motor Vehicle Administration of the Department of Transportation (MVA).

	2003 Actual	2004 Actual	2005 Estimated	2006 Estimated
Performance Measure				
Efficiency: Average number of days between date appeal received to date of disposition	68.2	76.8	70	65

Objective 1.6 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 128 days to 120 days for cases from the Maryland Insurance Administration (MIA).

	2003 Actual	2004 Actual	2005 Estimated	2006 Estimated
Performance Measure				
Efficiency: Average number of days between date appeal received to date of disposition	129.3	128.0	125	120

Objective 1.7 By July 1, 2006, reduce the average number of days from date appeal received to disposition date from 37 days to 35 days for Special Education and Infant and Toddler Program cases from the Maryland State Department of Education (MSDE).

	2003 Actual	2004 Actual	2005 Estimated	2006 Estimated
Performance Measure				
Efficiency: Average number of days between date appeal received to date of disposition	42.3	37.0	36	35

Objective 1.8 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 179 days to 170 days for personnel cases (PERS).⁵

	2003 Actual	2004 Actual	2005 Estimated	2006 Estimated
Performance Measure				
Efficiency: Average number of days between date appeal received to date of disposition	168.9	179.1	175	170

Objective 1.9 By July 1, 2006, reduce average number of days from date appeal received to disposition date from 133 days to 130 days for cases from agencies not covered by objectives 1.1 through 1.8 (i.e. Miscellaneous MISC).⁶

	2003 Actual	2004 Actual	2004 Estimated	2005 Estimated
Performance Measure				
Efficiency: Average number of days between date appeal received to date of disposition	154.2	132.8	132	130

⁵ E.g. State Personnel Management System, Transportation Human Resources System, University of Maryland System.

⁶ E.g. Retirement and Pension Systems; Department of the Environment; Department of Natural Resources; Central Collection Unit of the Department of Budget and Management; State Police handgun licensing; Department of Transportation dealer, vehicle salesperson and inspection station licensing; Commission on Human Relations; Public Information Act.

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Objective 10. By July 1, 2006, increase percentage of non-bench decisions issued timely to 98.50% or better.⁷

	2003	2004	2005	2006
Performance Measures	Actual	Actual	Estimated	Estimated
Output: Number of non-bench decisions issued	3,429	3,199	3,500	3,700
Quality: Percentage of decisions issued timely	96.6%	98.1%	98.3%	98.5%

Goal 2. To use Alternative Dispute Resolution techniques to resolve cases prior to the contested case hearing.

Objective 2.1 By July 1, 2006, increase percentage of cases resolved using Alternative Dispute Resolution techniques (mediation and settlement conferences) from 63.5% to 75%.⁸

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Input: Number of mediations and settlement conferences held	473	527	550	575
Quality: Percent of cases resolved using Alternative Dispute Resolution techniques	73.4%	63.5%	69%	75%

Goal 3. To conduct administrative proceedings in a professional and competent manner.

Objective 3.1 By July 1, 2006, 94% of participants to administrative proceedings will rate the preparation for and organization of the proceedings as satisfactory or excellent.

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Quality: Percent of participants that rate the preparation and organization as satisfactory or excellent	92.6%	93.0%	93.5%	94%

Objective 3.2 By July 1, 2006, maintain the current percentage of participants to administrative proceedings will rate the fairness of the proceedings as satisfactory or excellent at 94%.

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Quality: Percent of participants that rate the fairness as satisfactory or excellent	94.0%	93.9%	94%	94%

Goal 4. To issue decisions that address and resolve the issues raised by participants to administrative proceedings.

Objective 4.1 By July 1, 2006, 93% of participants to administrative proceedings will rate the decision as satisfactory or excellent in addressing and resolving the issues raised during the proceedings.

	2003	2004	2005	2006
Performance Measure	Actual	Actual	Estimated	Estimated
Outcome: Percent of participants that rate the decision as satisfactory or excellent	86.9%	90.8%	92%	93%

⁷ Federal and State laws set forth specific timeframes for the issuance of decisions. These due dates vary according to case type and are too numerous to identify in this document.

⁸ This objective is measured by comparing the number of cases settled to the number scheduled for mediation or a settlement conference. It does not include those cases in which the parties settle on their own without assistance from the Office of Administrative Hearings. Note that not all case types are eligible to be scheduled for mediation or settlement, e.g., the State Personnel Management System has instituted its own settlement procedures and specifically requested that the Office of Administrative Hearings discontinue the practice of holding settlement conferences in these matters.

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CASES DISPOSED BY AGENCY

<u>SOURCE AGENCY</u>	FY 2004 Actual
Department Of Health And Mental Hygiene	13,963
Department Of Human Resources	13,789
Department Of Labor, Licensing and Regulation	396
Department Of Public Safety and Correctional Services	666
Department Of Transportation – Motor Vehicle Admin.	35,337
Maryland Insurance Administration	1,058
Maryland State Department Of Education	989
Department of Budget and Management - Personnel	601
Miscellaneous	416
TOTAL	67,215

OTHER PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Actual	FY 2005 Estimated	FY 2006 Estimated
Caseload Data:				
Cases Brought forward from prior year	7,134	6,766	6,567	6,400
Cases Received	57,287	66,959	67,000	67,000
Cases Disposed	57,756	67,215	67,300	67,300
Cases Carried forward to next year	6,766	6,567	6,400	6,300
Hearings Scheduled:				
OAH's Headquarters – Hunt Valley, MD.	14,816	18,909	19,000	19,000
Agency's Facilities and Satellite Locations	46,410	59,286	60,000	60,000
Decision Data:				
Hearings with Bench decisions	26,649	30,918	31,000	31,000
Hearings with Non-Bench decisions	3,429	3,199	3,200	3,200
Alternative Dispute Resolution:				
Mediations and Settlement Conferences held	473	527	550	575

CERTIFICATION STATEMENT

I, J. Bernard McClellan, Deputy Director of Quality Assurance, certify that to the best of my knowledge the Managing for Results performance data submitted with this budget is reliable.

J. Bernard McClellan